

Remarks

Claims 1-4, 6-10, 22, 23, and 25-30 are at issue. Claims 22, 23 & 25 are rejected under 35 USC 102(e) as being anticipated by McKendry et al. Claims 1, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Baldwin and further in view of Snelling et al. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Baldwin and further in view of Snelling and further in view of Shen. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Baldwin, in view of Snelling and further in view of Farris. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Baldwin and further in view of Snelling and further in view of Sizer. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Hylton. Claims 27 & 28 are rejected under 35 USC 103(a) as being unpatentable over McKendry in view of Hylton and further in view of Sizer, II et al. Claim 29 stands rejected under 35 USC 103(a) as being unpatentable over McKendry in view of Hylton and further in view of Gorman. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sizer in view of McKendry and further in view of Baldwin and further in view of Hylton.

The Examiner's argument with respect to claim 22 is in error. The clear meaning of the words "derived lines process" does not cover detecting when one extension goes off-hook and monitoring a line. The word "derive" means to take or receive - especially from a specified source." Webster's New Collegiate Dictionary. None of the cited definitions includes the word "monitor" or its synonyms.

In a telephone interview the Examiner has suggested that "derived lines" means that McKendry obtains one of the existing telephone lines when a line is required for a call. The word derived generally means that x came from y, such as the formula for the distance a dropped object will traverse is derived from the formula that force equals mass times acceleration. Examples of the use of the word derive in other US patents are enclosed. These examples reinforce the applicants' argument that derive means to creating (determining) something out of (from) something else. For instance, USPN 6,269,446 on page 14 states that "the parameters listed above are used to extrapolate from existing, general FOE (Field of Experience) data to derive project-specific FOE." The project-specific FOE are not selected from an existing set of FOE by are extrapolated from general FOE. In USPN 6,269,446 derive is used to discover time and location data (page 5) from GPS signals, to extrapolate digital image data (page 6) and to create a short digest of the image information (page 6). This is clearly different than McKendry, which just selects a telephone line, while the applicants create a telephone line out of existing bandwidth. Claim 22 is allowable over the prior art.

Claim 23 is allowable as being dependent from an allowable base claim.

Claim 25 is rejected by the Examiner based on McKendry Col. 3, line 61 - Col. 4, line 3. However a close reading of the section shows that McKendry is just describing the prior art (note this section is in the Background of the Invention section). McKendry states that fax line managers or similar routers (distinctive ring routers) direct telephone call to telephone instruments. McKendry goes on to say (Col. 4, lines 4-6) that none of the above services or devices satisfies the typical users needs.

Clearly the router discussed in this section of McKendry is not tied to a switch of McKendry's invention. Claim 25 is allowable over the prior art.

Claim 1 is rejected based on a combination of three references. For the rejection to be valid there must be some suggestion for the combination. The applicants respectfully suggest that the Examiner has selected the elements from a variety of references but ignored the connections shown in those references. If a person skilled in the art was given the three prior art references cited by the Examiner, they would not have a multiplexer in the wireless local loop, but in the wireless distribution of the house as shown in Snelling. See *Orthopedic Equipment Co., Inc v. US* (CAFC, 1983) 217 USPQ 193, "It is wrong to use a patent [] as [a] guide through a maze of prior art references, combining the right references in right way so as to achieve the result of the claims []; Monday morning quarterbacking is improper when resolving nonobviousness." Claim 1 is allowable over the prior art. Claims 2-6 is allowable as being dependent on an allowable base claim.

Claim 7 requires a smart card interface. The Examiner cites Hylton et al. as the reference that shows the smart card interface 2155. While the applicants acknowledge that Hylton shows a smart card interface, the smart card interface is part of Digital Entertainment Terminal (DET) for a video on demand system. Logically the DET 100 would be one of the devices connected by a wireless link 410-412 in the house to the personal call manager of McKendry. This is not part of the home gateway system as required in claim 7. Claim 7 is allowable over the prior art.

Claim 8 requires a router. McKendry does not show a router and a switch - see discussion of claim 1. Claim 8 is allowable.

Claims 9 & 10 are allowable because Sizer does not show a home automation and security system or television processing system connected

to a router. The Examiner still has not shown a television processing system or a home automation and security system. Claims 9 & 10 are allowable.

Claims 27 & 28 are allowable because Sizer does not show a home automation and security system or television processing system connected to a router. The Examiner states that Sizer can control appliances. While this might be broadly read onto the automation portion it does not cover security and it certainly does not constitute a television processing system. Claims 27 & 28 are allowable. Claim 29 is allowable as being dependent from an allowable base claim.

Claim 30 requires a router connected to a switch. None of the prior art references show a router connected to a switch. In addition, none of the prior art references show a home automation and security system capable of receiving messages through a router. Or a television processing system connected to the router. Claim 30 is allowable over the prior art.

Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

(Bossemeyer et al.)

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I hereby certify that an Response is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:

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Dale B. Halling
Signature (Dale B. Halling)